

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

FILED

2005 FEB 22 P 3: 03

UNITED STATES OF AMERICA**v.****GERALD DAVID WEBBER, JR.
(a/k/a "David Webber")****No. 3:05-CR-14
JUDGE VARLAN**U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK

STIPULATION OF FACTS

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, and the Defendant, GERALD DAVID WEBBER, JR, with the concurrence of his attorney, hereby stipulate to the following facts:

1. The Defendant, then employed as a law enforcement officer and acting under color of law, and four fellow law enforcement officers, Sammy Franklin, Josh Monday, Shayne Green, and William Carroll, went to Lester Eugene Siler's home on July 8, 2004, to serve an arrest warrant on him.
2. The Defendant, together with the other four officers, agreed to threaten, intimidate, and physically assault Lester Eugene Siler in order to obtain his consent to a search of his residence.
3. At the Defendant's direction, three of the officers handcuffed Lester Eugene Siler outside his house, brought him inside, and made him sit in a chair.
4. The Defendant and others ordered Lester Eugene Siler's wife and son to leave the house.

5. The Defendant and the other four officers repeatedly threatened Lester Eugene Siler with severe bodily harm unless he cooperated by signing a consent to search form.
6. The threats included, but were not limited to, threats to shoot Lester Eugene Siler, to beat him, to kill him, to burn him with a cigarette lighter, and to break his fingers.
7. The Defendant and other officers attached wires from a battery charger to Lester Eugene Siler and threatened to electrocute him.
8. The Defendant encouraged other officers to slap, hit, punch, kick and otherwise unlawfully assault Lester Eugene Siler, while he was handcuffed and not resisting, thereby causing him bodily injury.
9. The Defendant failed to intervene when other officers used dangerous weapons, including but not limited to a firearm, a slapjack and a plastic baseball bat or similar object, to threaten, intimidate and beat Lester Eugene Siler, while he was handcuffed and not resisting, causing him bodily injury.
10. On or about July 19, 2004, the Defendant lied to the Tennessee Bureau of Investigation by denying the use of threats or unreasonable force against Lester Eugene Siler. He did this in order to cover up this incident and obstruct any investigation, state or federal, into it.

The Defendant acknowledges that he understands that the above facts are submitted to the Court to provide the Court with the information necessary to support the Defendant's guilty plea as required by Rule 11 of the Federal Rules of Criminal Procedure and that additional facts

(including criminal conduct) and information may be considered by the Court in determining the Defendant's sentencing guidelines and appropriate sentence.

SO STIPULATED AND AGREED, this ____ day of February 2005.

HARRY S. MATTICE, JR.
United States Attorney

02/16/2005
Date

Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
Assistant United States Attorney

02/16/2005
Date

Lee Asbury
LEE ASBURY
Attorney for Defendant

02/16/05
Date

Gerald David Webber, Jr.
GERALD DAVID WEBBER, JR.
Defendant